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HOUSE BILL 336

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Keith J. Gardner

AN ACT

RELATING TO SEXUAL EXPLOITATION OF CHILDREN; PROHIBITING THE
USE OF AN IMAGE OF A CHILD TO DEPICT THE CHILD AS PARTICIPATING
IN A SEXUAL ACT; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-6A-3 NMSA 1978 (being Laws 1984,
Chapter 92, Section 3, as amended) is amended to read:

"30-6A-3. SEXUAL EXPLOITATION OF CHILDREN.--

A. It is unlawful for a person to intentionally
possess any obscene visual or print medium depicting any
prohibited sexual act or simulation of such an act if that
person knows or has reason to know that the obscene medium
depicts any prohibited sexual act or simulation of such act and
if that person knows or has reason to know that one or more of
the participants in that act is a child under eighteen years of

.163946.1

underscoring material = new
~~[bracketed material] = delete~~

underscoring material = new
[bracketed material] = delete

1 age. A person who violates the provisions of this subsection
2 is guilty of a fourth degree felony.

3 B. It is unlawful for a person to intentionally
4 distribute any obscene visual or print medium depicting any
5 prohibited sexual act or simulation of such an act if that
6 person knows or has reason to know that the obscene medium
7 depicts any prohibited sexual act or simulation of such act and
8 if that person knows or has reason to know that one or more of
9 the participants in that act is a child under eighteen years of
10 age. A person who violates the provisions of this subsection
11 is guilty of a third degree felony.

12 C. It is unlawful for a person to intentionally
13 cause or permit a child under eighteen years of age to engage
14 in any prohibited sexual act or simulation of such an act if
15 that person knows, has reason to know or intends that the act
16 may be recorded in any obscene visual or print medium or
17 performed publicly. A person who violates the provisions of
18 this subsection is guilty of a third degree felony, unless the
19 child is under the age of thirteen, in which event the person
20 is guilty of a second degree felony.

21 D. It is unlawful for a person to intentionally
22 manufacture any obscene visual or print medium depicting any
23 prohibited sexual act or simulation of such an act if one or
24 more of the participants in that act is a child under eighteen
25 years of age. A person who violates the provisions of this

.163946.1

underscoring material = new
[bracketed material] = delete

1 subsection is guilty of a second degree felony.

2 E. It is unlawful for a person to intentionally
3 manufacture any obscene visual or print medium depicting any
4 prohibited sexual act or simulation of such an act if a child
5 under eighteen years of age, who is not a participant, is
6 depicted as a participant in that act. A person who violates
7 the provisions of this subsection is guilty of a fourth degree
8 felony.

9 F. It is unlawful for a person to intentionally
10 distribute any obscene visual or print medium depicting any
11 prohibited sexual act or simulation of such an act if that
12 person knows or has reason to know that the obscene medium
13 depicts a prohibited sexual act or simulation of such an act
14 and if that person knows or has reason to know that a child
15 under eighteen years of age, who is not a participant, is
16 depicted as a participant in that act. A person who violates
17 the provisions of this subsection is guilty of a third degree
18 felony.

19 ~~[E.]~~ G. The penalties provided for in this section
20 shall be in addition to those set out in Section 30-9-11 NMSA
21 1978."

22 Section 2. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2007.